

Serial No. 09/595,038
Response dated November 12, 2004
Reply to Office Action of August 12, 2004

Docket No. 4072-4001

REMARKS

Claims 1, 2, 4, 5, 7, 9-18, and 22-25 are pending in this application. Claim 21 has been canceled without prejudice or disclaimer. Applicants submit no new matter has been added by way of this amendment. Applicants respectfully request reconsideration of the above-identified application, in view of the above amendment and following remarks.

Applicants thank the Examiner for indication that claims 1, 2, 4, 5, 7, 9-18, 22 and 26 are in condition for allowance and 23-24 contain allowable subject matter and would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action.

Claim Rejections – 35 U.S.C. § 112

Claims 23 and 24 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have herein amended claims 23 and 24 as suggested by the Examiner. Therefore, Applicants submit that the amendments address the issues raised in the Office Action and respectfully request withdrawal of this ground for rejection.

Double Patenting/Claim Rejection – 35 U.S.C. § 102

Claims 21 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,510,870. Also claim 21 has been rejected under 35 U.S.C. § 102 (b), as being anticipated by Applicants' prior

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art figures 1-2, Brzezinski, et al. (US Patent No. 4,262,659) Figures 1-2, or Rhodes (US Patent No. 4,470,452). Applicants submit that these rejections have been rendered moot because claim 21 has been canceled without prejudice or disclaimer. Therefore, Applicants request withdrawal of this ground of rejection.

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CONCLUSION

In the event that a telephone conference would facilitate prosecution of the instant application in any way, the Examiner is invited to contact the undersigned at the number provided.

It is now believed that all pending claims are in condition for allowance. In view of these amendments and remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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